UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

SEP 16 2014

CERTIFIED MAIL-RETURN RECEIPT REQUESTED
Article number: 7005 3110 0000 5966 6081

Mr. Christopher Gowrie, B.E., M.S.
Associate Executive Director of Logistics and Support Services
1400 Pelham Parkway South, Jacobi 2S-2
Bronx, NY 10461

RE: **Notice of Violation**
RCRA § 3007 Information Request Letter

Dear Mr. Gowrie:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § § 6901 et seq.

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), the EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272. For the purposes of this Notice of Violation and Information Request, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New York is authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

The Notice of Violation (NOV) portion of this letter (see Enclosure I) is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. § § 6901, 6928. Issuance of this NOV and compliance with its terms does not preclude EPA from taking formal enforcement action against you and/or your company, including a monetary penalty, under § 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes. Pursuant to the statutory provisions cited above, EPA hereby requires that you provide the information requested in Enclosure II, using the instructions and definitions included in

Enclosure III. This information is necessary to determine the compliance status of Jacobi Medical Center.

Please provide the information requested no later than (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official or agent of your company, using the form in Enclosure IV to this letter. Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law, including but not limited to a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. 6928. Please also note that all information you provide may be used in an administrative, civil judicial, or criminal action.

The response to the request in the attachment must be mailed to the following address:

Abdool Jabar
Environmental Engineer
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency- Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed with the legend, or other suitable form of notice, such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 U.S.C. Part 3501 et seq.

Failure to respond in full to this requirement is a violation of RCRA and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, including the assessment of a monetary penalty. Such penalties may be up to $ 37,500 per day per violation.

For consistency, please provide your answers in a format which is keyed to the questions outlined in Enclosure II.

If you have any questions regarding this matter, please contact Mr. Abdool Jabar at (212) 637-4051 or jabar.abdool@.epa.gov.

Sincerely yours,

Leonard Voo, Chief
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance

Enclosures: Enclosure I Notice of Violation
Enclosure II Information Request
Enclosure III Instructions & Definition
Enclosure IV Certification of Answers

cc: Russ Brauksieck, Supervisor
Hazardous Waste Compliance Unit
New York State Department of Environmental Conservation

ENCLOSURE I

On or about January 29 &30, and February 11, 2014, a duly authorized representative of the U.S. Environmental Protection Agency conducted a compliance evaluation inspection of Jacobi Medical Center located at 1400 Pelham Parkway, Bronx, NY 10461. At the time of the inspection, your facility was found to be out of compliance with regulations applicable to generators of hazardous waste. Based on observations made during the inspection, it was determined that the following violations of RCRA regulations existed at your facility:

1. Pursuant to 6 NYCRR § 372.2(a) (2), a person who generates a solid waste must determine whether that solid waste is a hazardous waste using the procedures specified in that provision.

   At the time of the inspection, Jacobi Medical Center failed to make a hazardous waste determination on the following solid wastes:

   a. Staining waste that was poured down a slop sink drain in the microbiology laboratory.
   b. Staining waste that was poured down a slop sink drain in the mycobacteriology laboratory.
   c. Spent solvent that was poured down the drain in the hematology laboratory.

2. Pursuant to 6 NYCRR § 373-3.9(d) (3), a generator storing containers holding hazardous waste must mark such containers with the words "Hazardous Waste" and with other words identifying their contents:

   a. At the time of the referenced inspection, Jacobi Medical Center stored eleven 16 oz. and seven 8 oz. containers of expired chemicals in the chemical waste storage area. These containers were not marked with the words "Hazardous Waste" and with other words to identify their contents.
   b. At the time of the referenced inspection, Jacobi Medical center stored twenty gallon containers in the hazardous waste container storage area. These containers were marked "hazardous waste" but were not marked with other words to describe their contents.

3. Pursuant to 6 NYCRR § 372.2 (b)(ii), a generator may accumulate hazardous waste on-site for a period of 90 days or less provided that the date upon which each period of accumulation begins must be clearly marked and visible for inspection on all containers, tanks and storage areas.

At the time of inspection, Jacobi Medical Center stored eleven 16 oz. and seven 8 oz. containers of expired chemicals in the chemical waste storage area and the containers were not marked with the accumulation start dates.

4. Pursuant to 6 NYCRR § 373-3.9 (e), the hazardous waste container storage area is inspected once a week.

   At the time of the inspection, Jacobi Medical Center personnel failed to produce evidence that the two container storage areas were inspected on a weekly basis for the past 3 years.

5. Pursuant to 6 NYCRR § 372.2 (c) (1) (iv), a large quantity generator must furnish all records required under subdivision 372.2(c) upon request or made available at a reasonable time for inspection.

   At the time of the inspection, the facility did not furnish all the records required for inspection.

6. Pursuant to 6 NYCRR § 373-3.2 (g) (4) (i), a large quantity generator must document the job title for each position at the facility related to hazardous waste management and name the employee filling each job.

   At the time of the inspection, Jacobi Medical Center did not have the document described in the paragraph above.

7. Pursuant to 6 NYCRR § 373-3.2 (g) (4) (ii), a large quantity generator must prepare a written job description for each position as it relates to hazardous waste management.

   At the time of the inspection, Jacobi Medical center did not prepare a written job description for each position as it relates to hazardous waste.

8. Pursuant to 6 NYCRR § 373-3.2 (g) (4) (iii), a large quantity generator must have a written description of the type and amount of both introductory and continuing training that will be given to each person related to hazardous waste management.

   At the time of the inspection, Jacobi Medical center did not have a written description of the amount of introductory and continuing training that will be given to each person related to hazardous waste management.

9. Pursuant to 6 NYCRR § 373-3.2 (g) (1) (i), (ii) and (iii), the training program must be directed by a person trained in hazardous waste management procedures and must include

instruction which teaches facility personnel hazardous waste procedures (including contingency plan implementation) relevant to the positions in which they are employed.

At the time of the inspection, Jacobi Medical Center did not have documentation to prove that its training program is directed by a person trained in hazardous waste management procedures.

10. Pursuant to 6 NYCRR § 373-3.2 (g) (2), facility personnel at a large quantity generator facility must have successfully complete the training program by the effective date of the regulations or six months after the date of their employment.

    At the time of the inspection, no records were produced to show that facility personnel were trained as required in the paragraph above.

11. Pursuant to 6 NYCRR § 373-3.2 (g) (3), facility personnel must take part in an annual review of the initial training required.

    At the time of the inspection, no records were produced to show that facility personnel handling hazardous waste took part in the annual review of their initial training.

12. Pursuant to 373-3.2 (g) (5), training records on current personnel have been kept permanently at the facility.

    At the time of the inspection, training records of the current personnel handling hazardous waste were not kept at the site.

13. Pursuant to 6 NYCRR §373-3.4 (b) (1), a large quantity generator must have a Contingency Plan or some other plan which incorporates hazardous waste management.

    At the time of the inspection, Jacobi Medical Center did not have a contingency plan or some other plan which incorporates hazardous waste management.

14. Pursuant to 6 NYCRR §373-3.4 (c)(1), a facility's contingency plan must include the following: A description of actions facility personnel must take in responses to fires, explosions or any sudden or non-sudden releases of hazardous waste or hazardous waste constituents to the air, soil or surface water.

    At the time of the inspection the facility did not include a description of actions facility personnel must take in responses to fires, explosions or any sudden or non-sudden releases of hazardous waste or hazardous waste constituents to the air, soil or surface water.

15. Pursuant to 6 NYCRR §373-3.4 (c) (3), a facility's contingency plan must include the following: A description of arrangements agreed to by local police departments, fire departments, hospitals, contractors and State and local emergency response teams to coordinate emergency services.

    At the time of the inspection, the facility did not have a description of the arrangements as required by 6 NYCRR §373-3.4 (c) (3).

16. Pursuant to 6 NYCRR §373-3.4 (c) (4), a facility's contingency plan must include the following: Name, addresses and office and home phone numbers of all persons qualified to act as emergency coordinator.

    At the time of the inspection, the facility did not have the name, address and home phone numbers of all persons qualified to act as emergency coordinator in a contingency plan.

17. Pursuant to 6 NYCRR §373-3.4 (c) (5), a facility's contingency plan must include the following: An up-to-date list of all emergency equipment at the facility, and decontamination equipment, where this equipment is required.

    At the time of the inspection, the facility did not have an up-to-date list of all emergency equipment at the facility, and decontamination equipment.

18. Pursuant to 6 NYCRR §373-3.4 (c) (6), a facility's contingency plan must include the following: An evacuation plan for facility personnel, where there is a possibility that evacuation could be necessary.

    At the time of the inspection, the facility did not have an evacuation plan in a contingency plan.

19. Pursuant to 6 NYCRR §373-3.4 (d) (1), copies of the contingency plan are maintained at the facility.

    At the time of the inspection, copies of the contingency plan were not maintained at the facility.

20. Pursuant to 6 NYCRR §373-3.4 (d) (2), copies of the contingency plan have been submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

At the time of the inspection, copies of the contingency plan were not provided to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

21. Pursuant to 6 NYCRR § 374-3.2 (e)(5), a small quantity handler of universal waste must label each lamp or each container or package containing such lamps with the words Universal Waste-Lamps or Waste Lamps or Used Lamps.

    At the time of the inspection, Jacobi Medical Center was storing twenty three boxes and 11 fiber containers of spent fluorescent light bulbs. The boxes and containers of bulbs were not labeled.

22. Pursuant to 6 NYCRR § 374-3.2 (d) (i), Small Quantity Handlers of Universal Waste must manage spent fluorescent light bulbs in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps. Containers or packages are closed and show no evidence of leakage, spillage, or damage.

    At the time of the inspection, Jacobi Medical Center stored spent fluorescent light bulbs in 10 boxes and 10 fiber containers which were not closed.

ENCLOSURE II

Based on a review of the information obtained during this RCRA inspection (the "Inspection"), we have determined that the following information is required to evaluate the compliance of the Jacobi Medical Center.

1. With regards to the violations cited in the above Notice of Violation (Enclosure I), please provide (1) a description of the actions taken to correct the violations cited and provide documentation, including photographs (where applicable), verifying that each violation has been corrected; or (2) a rebuttal of the violations.

   The relevant time period for the following questions is January 2011 through the date of receipt of this letter, unless otherwise specified.

2. Prior to May 2012, Jacobi Medical Center was a Small Quantity Generator and had not manifested off site any P-listed waste. Please indicate if such waste was generated prior to that time. If yes, what P-listed wastes were generated, what were the amounts of each waste generated on a monthly basis, and how were the wastes disposed of?

3. As of June 2012 and at times thereafter, a review of hazardous waste manifests show that Jacobi became a large quantity generator of hazardous waste, mainly by generating over 1 kilogram of acute hazardous waste. Except for November 2012, the amount of P waste generated each month ranged from 68.18 kilograms to 313.64 kilograms.

   a. Please explain the change in operations or circumstances which caused Jacobi to become a LQG in June 2012.
   b. Please indicate whether the amounts of P-listed wastes on the hazardous waste manifests were only P-listed wastes, or if they included non P-listed wastes that were mixed with P-listed wastes and thus considered P-listed wastes due to the mixture rule.
   c. Where are the P-listed wastes mixed with the non P-listed hazardous waste?
   d. After the hazardous waste is taken to the container storage area, is it possible to segregate the P-listed waste from the containers? Please explain.
   e. Is it possible to manage P-listed wastes separately from non P-listed wastes from the point of generation to point of disposal? Please explain.
   f. Please provide copies of invoices showing your purchases from January 1, 2011 to present of drugs that, when disposed of, may be designated a P-listed waste.

4. If you have changed, or plan to change, the way you manage your P-listed waste, please explain in detail how the waste will be managed.

ENCLOSURE III
INSTRUCTIONS AND DEFINITIONS

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility. The signatory must complete and return the attached Certification of Answers to Responses to Request for Information.

2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.

3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.

4. In answering each question, identify all contributing sources of information.

5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.

6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.

7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.

8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.

9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.

10. The company and/or facility for the purposes of this Request for Information is Jacobi Medical Center located at 1400 Pelham Parkway, Bronx, NY 10461.

11. A generator of hazardous waste for the purposes of this Request for Information shall be defined as any person (which includes this facility), by site, whose act or process

produces hazardous waste or whose act first causes a hazardous waste to become subject to regulation.

12. Solid waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(27) of RCRA, as amended, 42 U.S.C. Part 6903(27).

13. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5).

14. Manage shall be defined for the purposes of this Request for Information as to market, generate, treat, store, dispose or otherwise handle.

ENCLOSURE IV
CERTIFICATION OF ANSWERS

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in response to EPA's Request for Information, and all documents submitted herewith; that the submitted information is true, accurate, and complete; and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

_____
Name (print or type)

_____ _____
SIGNATURE DATE

_____
TITLE